Approved For Release 2006/07/21 : CIA-RDP74B00415R000200200007-7

CONFIDENTIAL

OLC 72-1042

22 September 1972

MEMORANDUM FOR THE RECORD

SUBJECT: Meetings with Staffs of the House Armed Services and Judiciary Committees re the Ervin Bill (Title II of H.R. 12652)

25X1 1. This afternoon [redacted] and I met separately with Mr. Frank Slatinshek, Chief Counsel, House Armed Services Committee, and Mr. Herbert Hoffman, House Judiciary Committee staff, regarding action that might be taken on Title II of H.R. 12652, a bill which would extend the Civil Rights Commission.

2. Mr. Slatinshek suggested that we draft a letter for Chairman Hebert to send to Chairman Celler stating his concern over the implications of Title II of H.R. 12652 and asking that it be rejected by the House conferees. However, after a subsequent meeting with Mr. Hoffman, Slatinshek decided against this approach since it appears that Chairman Celler has focused on the concern not only of Mr. Hebert but also of Chairman Mahon, Appropriations Committee, and Chairman Dulski, Post Office and Civil Service Committee.

3. When we met with Mr. Hoffman, he mentioned that in the meeting of the House/Senate conferees last Wednesday Chairman Celler told the Senate conferees, "You are asking me to walk up a hill that I can't possibly climb when you ask me to agree to Title II of this bill. The prestigious Chairmen of the Armed Services and Appropriations Committees have informed me of their opposition to Title II in addition to the objection I have received from the Chairman of the Post Office and Civil Service Committee which held extensive hearings on this legislation."

25X1

[redacted]

CRC, 5/5/2003

CONFIDENTIAL

Approved For Release 2006/07/21 : CIA-RDP74B00415R000200200007-7

Approved For Release 2006/07/21 : CIA-RDP74B00415R000200200007-7

4. Mr. Hoffman went on to say that at Wednesday's meeting Senator Ervin carried the proxies of Senator McClellan and Senator Eastland, who were absent. I expressed surprise at this since we felt McClellan and Eastland were sympathetic to the Agency's desire for a complete exemption from this legislation. Mr. Hoffman also said he felt if Senator Scott takes the lead he could carry Senators Fong and Hruska with him in objecting to Title II and this would make Senator Hart the "swingman" in deciding which way the Senate conferee's unit vote would go. Hoffman feels that Hart fully supports the extension of the Civil Rights Commission and if he could be convinced that an issue on Title II could jeopardize the Civil Rights Commission extension he would line up with the Republicans.

5. We asked Mr. Hoffman if he had any idea what efforts the Civil Service Commission has exerted to defeat Title II. He said as far as he knew very little. He added he had been attempting to reach Tony Mondello, General Counsel of the Civil Service Commission, since this morning and still had not received a return call from him.

6. Mr. Hoffman repeated what he had told us earlier that the advice he had received from the House Parliamentarian is that the House conferees have no choice but to report the bill in "technical disagreement." By his understanding of the House rules the House must then debate and vote on the issue of whether Title II is germane to H. R. 12652 as it originally passed the House. However, a motion could be made to agree to the bill as amended by the Senate with further amendments by the House. It is possible that if this happens an amendment could be offered specifically exempting CIA and NSA from Title II.

7. We told Hoffman that our first preference would be to see the Senate conferees agree to withdraw Title II from the bill and we would make a number of contacts on the Hill and elsewhere to see what we could do toward this end. If this fails, we would then like to see a general amendment of Title II including specific exemptions for the Agency and NSA. This would leave a motion on the House floor for specific exemptions as the last recourse.

Approved For Release 2006/07/21 : CIA-RDP74B00415R000200200007-7

Approved For Release 2006/07/21 : CIA-RDP74B00415R000200200007-7

8. We met again with Mr. Slatinshek who said he felt we had done all we could at this point. He has reservations about having Chairman Hebert, or anyone else for that matter, offering a specific exemption for the Agency and NSA on the House floor. He is fearful that if this is done it could draw attention to the Agency and give opponents of the Agency an opportunity to level charges and criticisms on the House floor. We agreed this could be a problem and said we would defer any consideration of this approach until we saw what action was taken by the conferees at their meeting Monday afternoon.

[redacted] 25X1

Deputy Legislative Counsel

Distribution:
Orig. - Subj.
1 - DDS
1 - OGC

Approved For Release 2006/07/21 : CIA-RDP74B00415R000200200007-7